

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SHAWN WAUGH,	)	CASE NO. 1:11CV1198
	)	
Petitioner,	)	
	)	JUDGE GWIN
v.	)	
	)	MAGISTRATE JUDGE VECCHIARELLI
WARDEN BRADSHAW,	)	
	)	<b>REPORT AND RECOMMENDATION</b>
Respondent.	)	Docket #10

Before the court is the motion of petitioner, Shawn Waugh (“Waugh”), to amend his petition. Doc. No. 10. Waugh moves to amend his petition in the belief that the court may not fully consider his fourth ground for relief, ineffective assistance of appellate counsel, unless the state courts first review the underlying claims that appellate counsel failed to raise on direct appeal. Because consideration of the underlying claims is not a bar to consideration of ineffective assistance of appellate counsel, Waugh’s motion to amend should be DENIED.

Date: December 8, 2011

/s/ Nancy A. Vecchiarelli  
United States Magistrate Judge

**OBJECTIONS**

**Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after the party objecting has been served with a copy of this Report and Recommendation. Failure to file objections within the specified time may waive the right to appeal the District Court’s order. See [United States v. Walters](#), 638 F.2d 947 (6<sup>th</sup> Cir. 1981). See also [Thomas v. Arn](#), 474 U.S. 140 (1985), *reh’g denied*, 474 U.S. 1111.**